

XAVIER BECERRA  
 Attorney General of California  
 DAVID A. ZONANA, State Bar No. 196029  
 Supervising Deputy Attorney General  
 GEORGE TORGUN, State Bar No. 222085  
 SHANNON CLARK, State Bar No. 316409  
 CONNIE P. SUNG, State Bar No. 304242  
 Deputy Attorneys General  
 1515 Clay Street, 20th Floor  
 P.O. Box 70550  
 Oakland, CA 94612-0550  
 Telephone: (510) 879-1974  
 Fax: (510) 622-2270  
 E-mail: George.Torgun@doj.ca.gov

*Attorneys for Plaintiff State of California*

HECTOR BALDERAS  
 Attorney General of New Mexico  
 BILL GRANTHAM (*pro hac vice*)  
 Assistant Attorneys General  
 201 Third St. NW, Suite 300  
 Albuquerque, NM 87102  
 Telephone: (505) 717-3520  
 E-Mail: wgrantham@nmag.gov

*Attorneys for Plaintiff State of New Mexico*

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

**STATE OF CALIFORNIA**, et al.,  
 Plaintiffs,  
 v.  
**DAVID BERNHARDT**, et al.,  
 Defendants.

Case No. 4:18-cv-05712-YGR  
 (Consolidated with No. 4:18-cv-05984-YGR)

**JOINT NOTICE REGARDING  
 ADMINISTRATIVE RECORD**

**SIERRA CLUB**, et al.,  
 Plaintiffs,  
 v.  
**DAVID BERNHARDT**, et al.,  
 Defendants.

Pursuant to the Court's March 1, 2019 Case Management Order (Dkt. 97), Plaintiffs  
 States and Conservation and Tribal Citizen Groups (collectively, "Plaintiffs") and Defendants

1 David Bernhardt, et al. (collectively, “Defendants”) submit this Joint Notice regarding the  
2 administrative record. Plaintiffs and Defendants inform the Court that they have conferred  
3 regarding the administrative record, and although the parties disagree with respect to the  
4 documents that should be certified as part of the administrative record, they have reached an  
5 agreement that will avoid the need for Plaintiffs to file a motion challenging the completeness of  
6 the administrative record or for leave to supplement the record.

- 7 1. On March 8, 2019, Defendants filed a notice of the lodging of the Administrative  
8 Record (Dkt 100).
- 9 2. On March 27, 2019, after Plaintiffs informed Defendants of inadvertent disclosures in  
10 the Administrative Record, Defendants filed a notice of the lodging of the Corrected  
11 Administrative Record (Dkt. 102) .
- 12 3. On April 8, 2019, Plaintiffs Conservation and Tribal Citizen Groups sent a letter to  
13 Defendants listing documents that they believed must be included in the final  
14 administrative record, and requesting that Defendants include those documents in a  
15 final administrative record.
- 16 4. Between April 23, 2019 and April 29, 2019, Plaintiffs Conservation and Tribal Citizen  
17 Groups and Defendants conferred regarding Plaintiffs’ letter.
- 18 5. On April 29, 2019, Plaintiffs and Defendants agreed that certain of the documents  
19 Plaintiffs Conservation and Tribal Citizen Groups had requested to be included in the  
20 record would be certified and included in an amended administrative record.
- 21 6. Further, on April 29, 2019, while Plaintiffs maintain that the remainder of the  
22 documents should be included in the certified amended administrative record and  
23 Defendants disagree, in order to avoid additional motions practice and to expeditiously  
24 move forward with briefing the merits of the case, Plaintiffs and Defendants agreed  
25 that the remainder of the documents Plaintiffs Conservation and Tribal Citizen Groups  
26 had requested to be included in the record would not be certified as part of the  
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administrative record but would be provided to the Court for its review, and that the parties may cite these documents as if they were part of the administrative record. Defendants will not object to Plaintiffs' citation to these uncertified documents on the basis that they are not part of the administrative record.

7. Defendants intend to file the amended administrative record and provide all of the documents requested by Plaintiffs Conservation and Tribal Citizen Groups to the Court and the parties by May 15, 2019.
8. Based upon these agreements, Plaintiffs do not intend to file any motion challenging the completeness of the administrative record or for leave to supplement the record.
9. Plaintiffs will file their motions for summary judgment by June 7, consistent with the Court's Case Management Order (Dkt. 97).

Dated: May 7, 2019

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
DAVID A. ZONANA  
Supervising Deputy Attorney General

/s/ George Torgun  
GEORGE TORGUN  
SHANNON CLARK  
CONNIE P. SUNG  
Deputy Attorneys General

*Attorneys for Plaintiff State of California, by and through Xavier Becerra, Attorney General, and the California Air Resources Board*

HECTOR BALDERAS  
Attorney General of New Mexico

/s/ Bill Grantham  
BILL GRANTHAM  
Assistant Attorney General

*Attorneys for Plaintiff State of New Mexico, by and through Hector Balderas, Attorney General*

/s/ Stacey Geis

Stacey Geis, CA Bar # 181444  
Earthjustice  
50 California St., Suite 500,  
San Francisco, CA 94111-4608  
Phone: (415) 217-2000  
Fax: (415) 217-2040  
[sgeis@earthjustice.org](mailto:sgeis@earthjustice.org)

*Attorney for all Conservation and Tribal Citizen Group Plaintiffs*

Robin Cooley, CO Bar # 31168 (*admitted pro hac vice*)  
Joel Minor, CO Bar # 47822 (*admitted pro hac vice*)  
Earthjustice  
633 17<sup>th</sup> Street, Suite 1600  
Denver, CO 80202  
Phone: (303) 623-9466  
[rcooley@earthjustice.org](mailto:rcooley@earthjustice.org)  
[jminor@earthjustice.org](mailto:jminor@earthjustice.org)

*Attorneys for Plaintiffs Sierra Club, Fort Berthold Protectors of  
Water and Earth Rights, The Wilderness Society, and Western  
Organization of Resource Councils*

Susannah L. Weaver, DC Bar # 1023021 (*admitted pro hac vice*)  
Donahue, Goldberg, & Weaver LLP  
1111 14th Street, NW, Suite 510A  
Washington, DC 20005  
Phone: (202) 569-3818  
[susannah@donahuegoldberg.com](mailto:susannah@donahuegoldberg.com)

Peter Zalzal, CO Bar # 42164 (*admitted pro hac vice*)  
Rosalie Winn, CA Bar # 305616  
Environmental Defense Fund  
2060 Broadway, Suite 300  
Boulder, CO 80302  
Phone: (303) 447-7214 (Mr. Zalzal)  
Phone: (303) 447-7212 (Ms. Winn)  
[pzalzal@edf.org](mailto:pzalzal@edf.org)  
[rwinn@edf.org](mailto:rwinn@edf.org)

Tomás Carbonell, DC Bar # 989797 (*admitted pro hac vice*)  
Environmental Defense Fund  
1875 Connecticut Avenue, 6th Floor  
Washington, D.C. 20009  
Phone: (202) 572-3610  
[tcarbonell@edf.org](mailto:tcarbonell@edf.org)

*Attorneys for Plaintiff Environmental Defense Fund*

1  
2 Laura King, MT Bar # 13574 (*admitted pro hac vice*)  
3 Western Environmental Law Center  
4 103 Reeder's Alley  
5 Helena, MT 59601  
6 Phone: (406) 204-4852  
7 king@westernlaw.org

8 Erik Schlenker-Goodrich, NM Bar # 17875 (*admitted pro hac vice*)  
9 Western Environmental Law Center  
10 208 Paseo del Pueblo Sur, #602  
11 Taos, NM 87571  
12 Phone: (575) 613-4197  
13 eriksg@westernlaw.org

14 *Attorneys for Plaintiffs Los Padres ForestWatch, Center for*  
15 *Biological Diversity, Citizens for a Healthy Community, Diné*  
16 *Citizens Against Ruining Our Environment, Earthworks, Montana*  
17 *Environmental Information Center, National Wildlife Federation,*  
18 *San Juan Citizens Alliance, WildEarth Guardians, Wilderness*  
19 *Workshop, and Wyoming Outdoor Council*

20 Darin Schroeder, KY Bar # 93828 (*admitted pro hac vice*)  
21 Ann Brewster Weeks, MA Bar # 567998 (*admitted pro hac vice*)  
22 Clean Air Task Force  
23 114 State Street, 6th Floor  
24 Boston, MA 02109  
25 Phone: (617) 624-0234  
26 dschroeder@catf.us  
27 aweeks@catf.us

28 *Attorneys for Plaintiff National Wildlife Federation*

Scott Strand, MN Bar # 0147151 (*admitted pro hac vice*)  
Environmental Law & Policy Center  
60 S. 6th Street, Suite 2800  
Minneapolis, MN 55402  
Phone: (312) 673-6500  
Sstrand@elpc.org

Rachel Granneman, IL Bar # 6312936 (*admitted pro hac vice*)  
Environmental Law & Policy Center  
35 E. Wacker Drive, Suite 1600  
Chicago, IL 60601  
Phone: (312) 673-6500  
rgranneman@elpc.org

*Attorneys for Plaintiff Environmental Law & Policy Center*

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David Doniger, DC Bar # 305383 (*admitted pro hac vice*)  
Melissa Lynch, MA Bar # 689235 (*admitted pro hac vice*)  
Natural Resources Defense Council  
1152 15th St. NW, Suite 300  
Washington, DC 20005  
Phone: (202) 289-6868  
ddoniger@nrdc.org  
llynch@nrdc.org

*Attorneys for Plaintiff Natural Resources Defense Council*

1 JEAN E. WILLIAMS  
2 Deputy Assistant Attorney General  
3 Environment & Natural Resources Division  
4 United States Department of Justice

5 /s/ Carter F. Thurman  
6 CARTER F. THURMAN  
7 Trial Attorney, admitted to GA Bar  
8 U.S. Department of Justice  
9 Environment and Natural Resources Division  
10 Natural Resources Section  
11 601 D Street, NW  
12 Washington, D.C. 20044-7611  
13 Tel.: (202) 305-0444 / Fax: (202) 305-0506  
14 Carter.Thurman@usdoj.gov  
15 CLARE M. BORONOW, admitted to MD Bar  
16 999 18th Street  
17 South Terrace, Suite 370  
18 Denver, CO 80202  
19 Tel.: (303) 844-1362 / Fax: (303) 844-1350  
20 clare.boronow@usdoj.gov

21 *Counsel for Defendants*  
22  
23  
24  
25  
26  
27  
28